

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 JAMES SUBER,

10 Plaintiff,

11 v.

12 SNOHOMISH COUNTY JAIL, *et al.*,

13 Defendants.  
14

CASE NO. C18-0484-JCC

ORDER

15 This matter comes before the Court on Plaintiff's amended civil rights complaint (Dkt.  
16 No. 12), United States Magistrate Judge Mary Alice Theiler's Report and Recommendation  
17 ("R&R") (Dkt. No. 13), and Plaintiff's objections to the R&R (Dkt. No. 14). Having reviewed  
18 the materials submitted and the record and determined that oral argument is not necessary, the  
19 Court hereby OVERRULES Plaintiff's objections and ADOPTS Judge Theiler's R&R for the  
20 reasons described below.

21 Plaintiff, proceeding *pro se* and *in forma pauperis*, submitted a prisoner civil rights  
22 complaint under 42 U.S.C. section 1983. (Dkt. No. 5 at 1.) Plaintiff alleged that Snohomish  
23 County Jail staff members and/or officials failed to respond to his requests for mental health  
24 services. (*Id.* at 3.) The Court declined to order service of the complaint after concluding that it  
25 was unclear from the face of the complaint who allegedly harmed Plaintiff and what  
26 constitutional right was violated. (Dkt. No. 6 at 2–4.) With leave of the Court (*Id.* at 4), Plaintiff

1 filed an amended complaint (Dkt. No. 12). While the amended complaint now identifies the  
2 constitutional rights allegedly violated, it still does not identify a proper defendant in this matter.  
3 (*See generally id.*) On this basis, Judge Thieler issued an R&R recommending Plaintiff's claim  
4 be dismissed without prejudice pursuant to 28 U.S.C. section 1915(e)(2)(B)(ii). Plaintiff objects  
5 to Judge Theiler's R&R (Dkt. No. 14).

6 Plaintiff's objections identify no particular error in the R&R. (*See generally id.* at 1–3.)  
7 Instead, they are a detailed restatement of Plaintiff's prior allegations. (*Id.*) They still lack a key  
8 element necessary to maintain suit—a properly-named defendant. (*Id.*) The Court reviews the  
9 record *de novo* when considering an objection to an R&R. *See* 28 U.S.C. § 636(b)(1). Based  
10 upon this review, the Court finds that Plaintiff has failed to state a claim upon which relief can be  
11 granted. Accordingly, Plaintiff's amended complaint should be dismissed without prejudice  
12 pursuant to 28 U.S.C. section 1915(e)(2)(B)(ii).

13 For the reasons stated herein, the Court **OVERRULES** Plaintiff's objections, **ADOPTS**  
14 the R&R, and **ORDERS** as follows:

15 (1) Plaintiff's complaint is **DISMISSED** without prejudice.

16 (2) The Clerk is directed to send copies of this order to Plaintiff and to Judge Theiler.

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18 DATED this 9th day of July 2018.

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22 John C. Coughenour  
23 UNITED STATES DISTRICT JUDGE  
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